



ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Thursday, March 14, 2013
9:00 AM – 11:00 AM
Reed Hall (102 HOB)**

**Will Weatherford
Speaker**

**Jimmy Patronis
Chair**



The Florida House of Representatives

Economic Affairs Committee

Will Weatherford
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Chair

Meeting Agenda **March 14, 2013** **9:00 AM - 11:00 AM** **Reed Hall (102 HOB)**

- I. Call to Order & Opening Remarks by the Chairman**
- II. Consideration of the following bill(s):**
HB 1061 – Traffic Control by Rep. Artiles
- III. Closing Remarks by the Chairman**
- IV. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1061 Traffic Control
SPONSOR(S): Artilles
TIED BILLS: IDEN./SIM. BILLS: SB 1342

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee		Kiner <i>KKK</i>	Creamer <i>RC</i>
2) Appropriations Committee			

SUMMARY ANALYSIS

House bill 1061 relates to the issuance of traffic citations under the state's traffic control law. Specifically, the bill:

- Removes the authority to enforce right-on-red violations via red light camera;
- Requires that red light camera notices of violation be sent via certified mail, rather than first-class mail;
- Allows the registered owner receiving the notice of violation to request a hearing within the first 30 days, as opposed to waiting until the notice of violation becomes a uniform traffic citation;
- Specifies that no payment or fee may be required prior to requesting such hearing;
- Provides that delivery or attempted delivery of the notice of violation (sent via certified mail) constitutes notification;
- Specifies that an individual that requests a hearing waives any challenge or dispute as to delivery of the notice of violation or uniform traffic citation;
- Allows an individual identified on an affidavit to be issued a notice of violation rather than an immediate uniform traffic citation as currently required. In cases of a transfer of liability via affidavit, this will extend the same rights to everyone;
- Codifies the standard that (1) the burden of proof falls upon the government bringing the charge; (2) an accused individual has the right to confront the witnesses against him or her; (3) the evidence from the camera shall be accounted for in writing from the time of violation (an affidavit will no longer be sufficient);
- Provides a statutory requirement that yellow light intervals be synchronized according to the Florida Department of Transportation (DOT) standards and requires an all-red clearance interval to provide additional time before conflicting traffic movements proceed;
- Sets a deadline for red light camera intersections to be in compliance with the standards articulated above; and
- Penalizes local governments for noncompliance.

Both state and local governments may see a decline in revenue from the issuance and payment of red light camera notices of violation and uniform traffic citations related to the prohibition on right-turn on red citations.

The bill provides penalties for non-compliance. Under the bill, a local governmental entity that does not meet the bill's requirements faces a \$500 fine.

The bill is effective July 1, 2013, and requires all current intersections with red light cameras meet requirements by December 31, 2013. All intersections with red light cameras installed after December 31, 2013, must meet the bills requirements upon installation of the red light camera. All other intersections must meet the bill's requirements by December 31, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Red light cameras generally

Red light cameras enforce traffic laws by automatically photographing vehicles running red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the driver in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, the date and time of day, the time elapsed since the beginning of the red signal, and the vehicle's speed.

Red light cameras in Florida

In 2010, the Florida Legislature enacted Ch. 2010-80, L.O.F.¹ The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S.² The law also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.³

Jurisdiction, Installation, and Awareness

Red light cameras must meet requirements established by DOT and must be tested at regular intervals according to procedures prescribed by DOT.⁴ If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.⁵ Such signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.⁶

Notice of violation and uniform traffic citation

Generally

If a red light camera captures an image of a driver running a red light, the visual information is reviewed by a traffic infraction enforcement officer.⁷ A notice of violation (NOV) must be sent to the registered owner of the vehicle – who may or may not be the actual driver of the vehicle – by first-class mail within 30 days of the alleged violation.⁸ The NOV must be accompanied by a photograph or other recorded image of the violation, and must include a statement of the registered owner's right to review images or video of the violation, and the time, place, and Internet location where the evidence may be reviewed.⁹ Along with the notice, is a statement that the photographic or electronic images or the streaming video evidence of the violation constitute a "rebuttable presumption against the owner of the vehicle."

¹ House Bill 325.

² s. 316.0076, F.S.

³ s. 316.0083, F.S.

⁴ s. 316.0776, F.S.

⁵ s. 316.0776(2)(a), F.S.

⁶ Id.

⁷ s. 316.640(1)(b)3., F.S. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13, F.S.

⁸ s. 316.0083(1)(b), F.S.

⁹ Id.

A NOV carries a \$158 fine, although no points may be assessed against the driver's driver license and the NOV may not be used for the purpose of setting motor vehicle insurance rates.¹⁰

If the registered owner of the vehicle does not pay the NOV within 30 days, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the registered owner, which after adding court costs and fees, may carry a fine of \$256 or higher.¹¹ The UTC must be mailed by certified mail, and must be issued no later than 60 days after the violation.¹² The UTC must also include the statements described above regarding review of the photographic or video evidence.¹³ The report of an officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used to commit the violation.¹⁴

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of a UTC to the violator.¹⁵

Right-on-red violations

Under the red light camera statute, a city or county may issue a notice of violation and a traffic citation for a right-on-red violation, unless the motorist makes the right-hand turn in a "careful and prudent manner."¹⁶ However, the red light camera statute does not define what constitutes a "careful and prudent manner."

In December 2012, DHSMV released its Red Light Camera Program Analysis (Analysis).¹⁷ The Analysis compiled information from cities and counties that operate red light camera programs and focused on three specific areas: (1) statistical data; (2) enhancement to traffic safety; and (3) procedural information. DHSMV collected the information through an online survey. The reporting period was July 1, 2011 through June 30, 2012.

In total, 73 agencies responded to the online survey.¹⁸ Collectively, these 73 agencies reported that there were 404 intersections across the state with red light cameras.¹⁹ Out of 73 agencies, at least 45 agencies issue a notice of violation and a traffic citation for a right on red violation.²⁰ Only 16 agencies had a policy defining "careful and prudent manner."²¹

Rebuttable presumption v. burden of proof

Under the red light camera statute, the registered owner of the motor vehicle involved in the violation receives the notice of violation. This is because the red light camera statute "presumes" the registered owner of the motor vehicle was driving the vehicle at the time of the violation. This presumption,

¹⁰ s. 322.27(3)(d)6., F.S.

¹¹ s. 316.0083(1)(c), F.S.

¹² Id.

¹³ Id.

¹⁴ ss. 316.0083(1)(e) and 318.18, F.S.

¹⁵ s. 316.650(3)(c), F.S.

¹⁶ ss. 316.0083, (1)(a) and (2), F.S.

¹⁷ See the DHSMV Analysis on its website at <http://www.flhsmv.gov/Reports/RedLightCameraAnalysis2012.pdf> (Last viewed on 3/13/2013).

¹⁸ Id.

¹⁹ Id.

²⁰ Id. Only 72 agencies responded to the question on whether the agency issues a notice of violation and traffic citation for a right on red violation. Of the 72 agencies that responded, 45 issue a notice of violation and traffic citation for a right on red violation.

²¹ Id. Only 71 agencies responded to the question on whether the agency issued a notice of violation and traffic citation for a right on red violation.

however, is rebuttable.²² Under the statute, the registered owner may rebut the presumption if the registered owner qualifies for an exemption from payment.²³

Exemptions

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish:

- that the vehicle passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- that the vehicle passed through the intersection at the direction of a law enforcement officer;
- that the vehicle was, at the time of the violation, in the care, custody, or control of another person;
- that the driver received a UTC for the alleged violation issued by a law enforcement officer; or
- that the vehicle's owner was deceased on or before the date that the UTC was issued.²⁴

To establish any of these exemptions, the registered owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.²⁵ If the registered owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number of the driver.²⁶ A UTC may be issued to the driver, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding the driver's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.²⁷ Submission of a false affidavit is a second degree misdemeanor.

If the vehicle is leased, the owner of the leased vehicle is not responsible for paying the UTC, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.²⁸ If a person presents documentation from the appropriate governmental entity that a UTC was issued in error, the clerk of court may dismiss the UTC and may not charge for such service.²⁹

Fines

Red light camera citations carry a \$158 fine. When the \$158 fine is the result of a local government's red light camera, \$75 is retained by the local government and \$83 is deposited with the Florida Department of Revenue (DOR).³⁰ DOR subsequently distributes the fine by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.^{31,32} If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative

²² ss. 316.0083(1)(b)1.b., 316.0083(1)(c)2., and 316.0083(1)(e), F.S.

²³ s. 316.0083(1)(d)2., F.S.

²⁴ s. 316.0083(1)(d), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ s. 318.18(15), F.S.

³⁰ s. 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

³¹ *Id.*

³² DHSMV is also authorized in s. 316.0083, F.S., to install its own traffic infraction detectors, although it has not done so. If DHSMV were to install its own traffic infraction detectors, the fine amount would still be \$158, with \$100 remitted to DOR for deposit into the General Revenue Fund, \$10 remitted to DOR for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3 remitted to DOR for deposit into the Brain and Spinal Cord Injury Trust Fund. The remaining \$45 would be retained by the local government where the violation occurred.

Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.³³

State Revenue

In FY 2011 – 2012, there were 71 jurisdictions operating red light camera programs throughout the state. Collectively, these 71 jurisdictions remitted \$51,065,841 to the state, of which \$43,070,985 was distributed to the General Revenue Fund; \$6,143,495 was distributed to the Department of Health Administrative Trust Fund; and \$1,851,361 was distributed to the Brain & Spinal Cord Injury Trust Fund.³⁴

So far in FY 2012-2013³⁵, the 77 jurisdictions operating red light camera programs throughout the state have collectively remitted \$35,064, 271 to the state, of which³⁶

Yellow-light synchronization and all-red clearance interval

Florida Laws and Rules on Traffic Control Devices

Section 316.0745(1), F.S., requires DOT to adopt a uniform system of traffic control devices for use on the streets and highways of the state.³⁷ DOT is required to revise this system from time to time to conform to a national system or to meet local and state needs.³⁸ When revising the system, DOT may receive assistance from local authorities.³⁹ DOT is also authorized to permit the use of traffic control signals that do not conform to the uniform system upon a showing of good cause.⁴⁰

Section 316.0745(2), F.S., requires DOT to compile and publish a manual defining its uniform system.⁴¹ The statute also requires DOT to compile and publish minimum specifications for traffic control signal devices “certified . . . as conforming with the uniform system.”⁴²

Following statutory requirements, DOT publishes a Traffic Engineering Manual (TEM) to provide traffic engineering standards and guidelines.⁴³ In addition to Florida Statutes, Rule 14-15.010, F.A.C., gives DOT authority to adopt the TEM. The TEM covers the processes whereby standards and guidelines are adopted, as well as chapters devoted to “highway signs and markings, traffic signals, traffic optimization through the use of computer models . . . , and links to information on DOT’s mature driver/pedestrian program.”⁴⁴

In addition to DOT’s TEM, many sections of Florida law require drivers to obey traffic control signal demands. Section 316.075, F.S., requires drivers to follow set traffic control signal commands and yield the right-of-way to pedestrians lawfully in intersections and crosswalks. Violators of s. 316.075, F.S., including those that run red lights, commit non-criminal traffic violations punishable pursuant to ch. 318, F.S.

³³ s. 318.18(15), F.S.

³⁴ The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed on 3/13/2013).

³⁵ From July 1, 2013 through January 31, 2013.

³⁶ The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed on 3/13/2013).

³⁷ s. 316.0745(1), F.S.

³⁸ Id.

³⁹ Id.

⁴⁰ s. 316.0745(8), F.S.

⁴¹ s. 316.0745(2), F.S.

⁴² Id.

⁴³ Florida Department of Transportation *Traffic Engineering Manual*, “Adoption Procedure.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 3/13/2013).

⁴⁴ Id.

Institute of Transportation Engineers

According to its website, the Institute of Transportation Engineers (ITE) is an international, educational and scientific association of transportation professionals.⁴⁵ Among other things, ITE offers recommendations to the Manual on Uniform Traffic Control Devices (MUTCD) and is recognized as one of the leading organizations in transportation research. It publishes a Traffic Engineering Handbook containing information used by transportation officials nationwide. DOT's TEM calculates the minimum yellow signal change and all-red clearance intervals using formulas contained within the ITE's Traffic Engineering Handbook. However, there is no express requirement in Florida law that DOT's TEM contain formulas contained within ITE's Traffic Engineering Handbook.

Yellow light display duration

The purpose of the yellow light display is "to provide a safe transition between two conflicting traffic signal phases."⁴⁶ More specifically, the function of the yellow light display is "to warn traffic of an impending change in the right-of-way assignment."⁴⁷

The Federal MUTCD states that a yellow change interval should have a minimum duration of 3 seconds and a maximum duration of 6 seconds.⁴⁸ With regard to specific guidance for the length of a yellow signal, the MUTCD specifies that the length shall be determined using engineering practices.⁴⁹ These engineering practices are contained within DOT's TEM.

The TEM calculates the minimum yellow change and all-red clearance intervals using a formula contained within the ITE's Traffic Engineering Handbook. The specific formula is explained in the image below, along with a chart calculating the formula's results for a hypothetical intersection on level ground.⁵⁰

⁴⁵ See the Institute of Transportation Engineers website at <http://www.ite.org/aboutite> (Last viewed 9/15/2011).

⁴⁶ Florida Department of Transportation *Traffic Engineering Manual*, s. 3.6.1, "Purpose." This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 9/15/2011).

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ FHWA *Manual on Uniform Traffic Control Devices* S.4D.26(2)-(3) (Last viewed 9/15/2011).

⁵⁰ "Table 3.6-1." is reproduced directly from s. 3.6.2.1 of the TEM and can be seen in context at the following address:

<http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 9/15/ 2011).

Table 3.6-1. Florida Yellow Change Interval (0.0 % Grade)*

APPROACH SPEED (MPH)	YELLOW INTERVAL (SECONDS)
25	3.0
30	3.2
35	3.6
40	4.0
45	4.3
50	4.7
55	5.0
60	5.4
65	5.8
* For approach grades other than 0%, Use ITE Formula.	

Formula 3.6-1

$$Y = t + \frac{1.47v}{2(a + Gg)}$$

Where:

Y = length of yellow interval, sec.

t = perception-reaction time, (Use 1 sec.).

v = speed of approaching vehicles, in mph.

a = deceleration rate in response to the onset of a yellow indication. (Use 10 ft/sec²)

g = acceleration due to gravity. (Use 32.2 ft/sec²)

G = grade, with uphill positive and downhill negative. (percent grade /100)

All variables in the formula have assumed or fixed values except the approach speed, v. As a result, the speed of vehicles as they approach an intersection is the critical input an engineer must consider when solving the formula for Y – an appropriate length in seconds for the yellow light.

With respect to determining the correct approach speed, the TEM states, “[a]pproach speed... is the posted speed or the 85th percentile approach speed, whichever is greater.”⁵¹ The phrase “posted speed” refers to the speed limit applied to the road pursuant to ss. 316.187 and 316.189, F.S.⁵² The phrase “85th percentile approach speed” is a commonly-used statistical measurement describing the speed at or below which 85 percent of free-flowing traffic is moving.⁵³

The TEM also contains a provision allowing traffic engineers to modify yellow light intervals as appropriate. Section 3.6.2(5) states that “yellow change... intervals specified herein are minimums, and should be increased as necessary, based on professional engineering judgment, to fit site

⁵¹ Florida Department of Transportation *Traffic Engineering Manual* “Section 3.6.2,” “Standard.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 3/13/2013).

⁵² Id.

⁵³ Id.

conditions at any particular intersection.” DOT’s TEM does not contain language regarding the shortening of a yellow light interval to an amount of time less than those provided in the manual.

All-red Clearance Interval

The all-red clearance interval is a brief period when traffic is stopped at red lights in all directions. The purpose of the all-red clearance interval is to provide additional time following the yellow change interval to clear the intersection before conflicting traffic is released.⁵⁴ The idea is that the interval needs to be long enough to prevent accidents, but no longer than necessary to ensure traffic continues to flow. According to the Federal MUTCD, the duration of an all-red clearance interval should not exceed 6 seconds.

Effect of Proposed Change

Section One

Right-on-violations

The bill removes city and county authority to issue a notice of violation and uniform traffic citation for a right-on-red violation. A city or county may still issue a notice of violation and uniform traffic citation for straight-ahead red light violations.

Opportunity for a hearing within the first 30 days

The bill allows the motor vehicle’s registered owner to request a hearing within the first 30 days after the date of delivery or attempted delivery of the notice of violation. The bill also requires that the notice of violation be sent via certified mail, rather than first-class mail. The effect of the proposed change is that the registered owner may dispute the notice of violation while he or she is still subject to the \$158 fine, as opposed to having to wait until issuance of a uniform traffic citation at a much higher price for an opportunity for a hearing, as is required under current law. The bill specifies that no payment or fee may be required for the hearing.

Extending notice of violation to person identified as the driver

During a transfer of liability, the bill places the person identified on the affidavit as having care, custody, or control of the vehicle at the time of the violation in the same position as the registered owner. As such, the person identified on the affidavit as the actual driver of the vehicle will no longer be immediately issued a uniform traffic citation; rather the person will have the opportunity to pay the \$158 notice of violation or request a hearing within 30 days.

While the bill does not explicitly prohibit the person identified on the affidavit from also submitting an affidavit that identifies someone else as the actual driver of the vehicle, the current red light camera statute does provide that the submission of a false affidavit is a 2nd degree misdemeanor.⁵⁵

Lack of notice as a defense

The bill specifies that if the registered owner, coowner, or person identified as the actual driver on the affidavit, requests a hearing, he or she waives any challenge or dispute as to delivery of the notice of violation. The effect of the proposed change no longer allows a person to claim “lack of notice” as an affirmative defense when that same person has requested a hearing. By making this change, the bill specifies that if the person requests a hearing, the person has received notice.

⁵⁴ Florida Department of Transportation *Traffic Engineering Manual* “Section 3.6.1,” “Purpose.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 3/13/2013).

⁵⁵ s. 316.0083,

Burden of proof

The bill specifies that the governmental entity bringing the charge has the burden of proving guilt.

Self-incrimination

The bill specifies that a person receiving a notice of violation or uniform traffic citation under the red light camera statute may not be compelled to be a witness against himself, and further, that the person has the right to confront any witnesses.

Authentication of evidence

The bill specifies that an affidavit is not sufficient to authenticate any evidence obtained from a traffic infraction detector (red light camera) or similar unattended device. The bill further requires any person who has received, processed, or reviewed any evidence obtained from a red light camera to authenticate the evidence in court. The bill requires that "compensation of any witness for the prosecution shall be as required in s. 92.143, F.S." Section 92.143, F.S., requires the office of the state attorney of the respective judicial circuit to pay the fees and costs of calling the witness that is required to testify on behalf of the prosecution in traffic court.

Section Two

Yellow-light display duration

The bill provides that whenever an engineering analysis is undertaken to evaluate or reevaluate signal display durations, DOT and local authorities will be responsible for ensuring traffic control signals meet guidelines related to the following:

- the minimum yellow signal display duration on traffic control signals is to be based on the posted speed limit plus 10 percent. The minimum yellow signal display duration is 3 seconds for traffic control signals on streets with a posted speed limit of 25 miles per hour or less, and the minimum yellow display duration shall increase by .5 second for each increase of 5 miles per hour in the posted speed limit, plus 10 percent. However, the yellow light display duration is not to exceed 6 seconds; and
- intersections with a posted speed limit greater than 55 miles per hour are required to have, on approach, a sign posted to alert drivers of the upcoming traffic control signal. The sign is to be posted in accordance with DOT's Manual on Uniform Traffic Control Devices.

All-red clearance interval

The bill also amends s. 316.075, F.S., to require an all-red clearance interval following the yellow signal display in order to provide additional time between conflicting traffic movements. DOT is required to use its adopted engineering practices to determine the duration of the all-red clearance interval. The bill provides that the duration may be extended from its predetermined value for a given cycle based upon the detection of a vehicle that is predicted to violate the red signal indication.

Dismissal of citations

The bill provides that a citation for a red light violation committed at an intersection where the traffic control signal does not meet all of the minimum yellow signal display duration, all-red clearance interval and other requirements is unenforceable and must be dismissed without penalty or assessment of points against the driver's license. This may require traffic engineers to attend the hearing.

In addition, the bill requires all current intersections with red light cameras meet requirements by December 31, 2013. All intersections with red light cameras installed after December 31, 2013, must meet the bill's requirements upon installation of the red light camera. All other intersections must meet the bill's requirements by December 31, 2014.

The bill provides penalties for non-compliance. Under the bill, a local governmental entity may be fined \$500 per violation. The fine amount is to be remitted to the Florida Department of Revenue (DOR) for deposit into the Brain and Spinal Cord Injury Trust Fund.

The bill further provides that all fines paid for traffic citations issued at a nonconforming intersection during the preceding 60 days of the date that a traffic infraction detector was found to be in violation of section 316.075, F.S., will be refunded.

Possible effect on traffic flow

Currently, the yellow signal display duration and all-red clearance interval on traffic control signals is not addressed by statute, but is stated in DOT's TEM. The effect of the proposed changes is that functional aspects of traffic control signals will be more closely tied to DOT's TEM, federal standards and current engineering practices. Additionally, statewide guidelines for minimum yellow light display durations and all-red clearance intervals may result in greater consistency and may reduce traffic crashes by clearing out intersections before allowing conflicting traffic to proceed.

While various studies may be used as diagnostic tools, they are not necessarily accurate predictors of actual driver behavior. However, multiple studies have shown that increases in yellow light display duration may reduce traffic crashes and may reduce the number of red light violations. This has been the case in several states – California,⁵⁶ Missouri⁵⁷ and Virginia⁵⁸ are examples. One study conducted by the Texas Transportation Institute found an increase of just one second in yellow light display duration in three Texas cities resulted in a 40 percent collision reduction.⁵⁹

Conversely, one study suggests extending the yellow light display duration, or "indecision zone," results in a greater probability of rear-end collisions.⁶⁰ This same study, however, concedes the notion that rear-end collisions are the most frequent type of accident at any signalized intersection. Further, the study pointed to findings that while rear-end collisions were more frequent, extending yellow light display durations resulted in a reduction in the more-severe, right-angle accidents.⁶¹

While increased yellow light display durations may reduce red light violations and traffic crashes, drivers may experience longer commute times as a result of traffic being stopped in all directions whenever the traffic control signals enter the all-red clearance interval.

Effective Date

The bill has an effective date of July 1, 2013.

⁵⁶ *California: Longer Yellows Nearly Eliminate Violations.* See <http://www.thenewspaper.com/news/30/3055.asp> (Last viewed 3/13/2013); *California City Dumps Red Light Cameras After Increasing Yellow.* See <http://www.thenewspaper.com/news/31/3110.asp> (Last viewed 3/13/2013).

⁵⁷ *Missouri: State Moves for Longer Yellow, Reduced Violations.* See <http://www.thenewspaper.com/news/34/3477.asp> (Last viewed 3/13/2013).

⁵⁸ *Red Light Citations Drop Below One Per Day.* See <http://www.motorists.org/red-light-cameras/fairfax> (Last viewed 3/13/2013).

⁵⁹ *Study: Longer Yellows Reduce Crashes.* See <http://www.thenewspaper.com/news/02/243.asp> (Last viewed 3/13/2013).

⁶⁰ Mahalel, D. and Prashker, J.N. 1987. "A Behavioral Approach to Risk Estimation of Rear-End Collisions at Signalized Intersections." *Transportation Research Record*. Washington, D.C. (Record 1114, 96-102).

⁶¹ *Id.*

B. SECTION DIRECTORY:

- Section 1: removes authority to issue a notice of violation and uniform traffic citation for a right-on-red violation; allows the motor vehicle's registered owner to request a hearing within the first 30 days; requires the notice of violation be sent via certified mail; allows the person identified on the affidavit to pay the \$158 notice of violation; specifies that a request for hearing waives any challenge or dispute as to delivery; specifies the government has the burden of proving guilt; specifies that a person may not be compelled to be a witness against himself, and has the right to confront any witnesses; requires any person who has received, processed, or reviewed any evidence obtained from a red light camera to authenticate the evidence in court;
- Section 2: requires yellow-light synchronization and an all-red clearance interval; provides dates for intersection compliance; and provides a penalty for non-compliance;
- Section 3: provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. The number of citations that may be dismissed pursuant to provisions of this bill is unknown. Additionally, the number of citations that would not be written due to the additional yellow signal display duration and the elimination of right on red citations is unknown.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. The number of citations that may be dismissed pursuant to provisions of this bill is unknown. Additionally, the number of citations that would not be written due to the additional yellow signal display duration and the elimination of right on red citations is unknown.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorists may see fewer citations for red light running due to additional yellow signal display durations, all red clearance intervals, and the elimination of right on red citations.

D. FISCAL COMMENTS:

A notice of violation for a red light camera violation carries a \$158 fine, which must be paid within 30 days of the notice of the violation. If unpaid, the notice of violation becomes a uniform traffic citation. After factoring in court costs and fees – which vary by county – a uniform traffic citation for a red light camera violation may cost the driver upwards of \$256. As described in s. 318.18, F.S., the following court costs and fees may be assessed for a red light camera violation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to DOR, the bill's requirements related to the collection of fines from local governments and disbursement of refunds would be potentially difficult to implement. According to its agency bill analysis, provisions on how the fine will be imposed and who will collect and remit the fines for distribution are necessary.

According to DOR's agency bill analysis, DOR does not receive information on the person who paid the fine and does not have the authority to expend money deposited into the Department of Health Brain and Spinal Cord Injury Trust Fund so additional provisions would be needed to provide for the administration of the refund.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to traffic control; amending s.
3 316.0083, F.S.; revising provisions for enforcement of
4 specified provisions using a traffic infraction
5 detector; prohibiting a notice of violation or a
6 traffic citation for a right on red violation under
7 specified provisions; revising notification
8 requirements; revising procedures for disposition upon
9 notice of violation; providing that initiating a
10 proceeding to challenge the delivery or attempted
11 delivery of the notice of violation or a citation
12 waives any challenge or dispute as to delivery;
13 revising provisions for issuance of a citation;
14 revising provisions for enforcement when a person
15 other than the owner is designated as having care,
16 custody, or control of the motor vehicle at the time
17 of the violation; providing that specified provisions
18 for notice of violation apply to such designated
19 person; specifying that the burden of proving guilt
20 rests upon the governmental entity bringing the charge
21 and that a person may not be compelled to be a witness
22 against himself or herself; specifying that, in any
23 hearing involving a traffic infraction detector or
24 similar unattended device, each person so charged has
25 the right to confront the witnesses against him or
26 her; providing procedures for presentation and
27 authentication of evidence relating to a traffic
28 infraction detector or similar unattended device;

29 specifying requirements for compensation of witnesses
 30 for the prosecution; amending s. 316.075, F.S. ;
 31 requiring traffic control signals to maintain certain
 32 signal intervals and display durations based on posted
 33 speeds; providing that a citation for specified
 34 violations shall be dismissed if the traffic control
 35 signal does not meet specified requirements; providing
 36 dates for intersections to meet such requirements;
 37 providing penalties for violation by a local
 38 governmental entity; providing for dismissal of
 39 citations issued at certain nonconforming
 40 intersections and refund of penalties collected
 41 pursuant to such citations; providing an effective
 42 date.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Subsections (1) and (2) of section 316.0083,
 47 Florida Statutes, are amended to read:

48 316.0083 Mark Wandall Traffic Safety Program;
 49 administration; report.—

50 (1)(a) For purposes of administering this section, the
 51 department, a county, or a municipality may authorize a traffic
 52 infraction enforcement officer under s. 316.640 to issue a
 53 traffic citation for a violation of s. 316.074(1) or s.
 54 316.075(1)(c)1. Neither a notice of violation nor ~~and~~ a traffic
 55 citation may ~~not~~ be issued under this section for a right on red
 56 violation ~~for failure to stop at a red light if the driver is~~

57 ~~making a right hand turn in a careful and prudent manner at an~~
 58 ~~intersection where right hand turns are permissible.~~ This
 59 paragraph does not prohibit a review of information from a
 60 traffic infraction detector by an authorized employee or agent
 61 of the department, a county, or a municipality before issuance
 62 of the traffic citation by the traffic infraction enforcement
 63 officer. This paragraph does not prohibit the department, a
 64 county, or a municipality from issuing notification as provided
 65 in paragraph (b) to the registered owner of the motor vehicle or
 66 to another person identified as having care, custody, or control
 67 of the motor vehicle involved in the violation of s. 316.074(1)
 68 or s. 316.075(1)(c)1. unless the notification is for a right on
 69 red violation.

70 (b)1.a. Within 30 days after a violation, notification
 71 must be sent to the registered owner of the motor vehicle
 72 involved in the violation specifying the remedies available
 73 under s. 318.14 and that the violator must pay the penalty of
 74 \$158 to the department, county, or municipality, or furnish an
 75 affidavit in accordance with paragraph (d), or request a
 76 hearing, within 30 days following the date of delivery or
 77 attempted delivery of the notification in order to avoid court
 78 fees, costs, and the issuance of a traffic citation. The
 79 notification shall be sent by certified ~~first-class~~ mail.

80 b. Included with the notification to the registered owner
 81 of the motor vehicle involved in the infraction must be a notice
 82 that the owner has the right to review the photographic or
 83 electronic images or the streaming video evidence that
 84 constitutes a rebuttable presumption against the owner of the

85 vehicle. The notice must state the time and place or Internet
 86 location where the evidence may be examined and observed.

87 c. Notwithstanding any other provision of law, a person
 88 who receives a notice of violation under this section shall have
 89 the option of requesting a hearing within 30 days following the
 90 date of delivery or attempted delivery of the notice of
 91 violation or paying the penalty pursuant to the notice of
 92 violation, but no payment or fee may be required before a
 93 hearing requested by the person. For purposes of this
 94 subparagraph, the term "person" includes a natural person,
 95 registered owner or coowner of a motor vehicle, or person
 96 identified on an affidavit as having care, custody, or control
 97 of the motor vehicle at the time of the violation.

98 d. If the registered owner or coowner of the motor
 99 vehicle, or the person designated as having care, custody, or
 100 control of the motor vehicle at the time of the violation, or a
 101 duly authorized representative of the owner, coowner, or
 102 designated person, initiates a proceeding to challenge the
 103 delivery or attempted delivery of the notice of violation
 104 pursuant to this paragraph, such person waives any challenge or
 105 dispute as to delivery.

106 2. Penalties assessed and collected by the department,
 107 county, or municipality authorized to collect the funds provided
 108 for in this paragraph, less the amount retained by the county or
 109 municipality pursuant to subparagraph 3., shall be paid to the
 110 Department of Revenue weekly. Payment by the department, county,
 111 or municipality to the state shall be made by means of
 112 electronic funds transfers. In addition to the payment, summary

113 detail of the penalties remitted shall be reported to the
 114 Department of Revenue.

115 3. Penalties to be assessed and collected by the
 116 department, county, or municipality are as follows:

117 a. One hundred fifty-eight dollars for a violation of s.
 118 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 119 stop at a traffic signal if enforcement is by the department's
 120 traffic infraction enforcement officer. One hundred dollars
 121 shall be remitted to the Department of Revenue for deposit into
 122 the General Revenue Fund, \$10 shall be remitted to the
 123 Department of Revenue for deposit into the Department of Health
 124 Emergency Medical Services Trust Fund, \$3 shall be remitted to
 125 the Department of Revenue for deposit into the Brain and Spinal
 126 Cord Injury Trust Fund, and \$45 shall be distributed to the
 127 municipality in which the violation occurred, or, if the
 128 violation occurred in an unincorporated area, to the county in
 129 which the violation occurred. Funds deposited into the
 130 Department of Health Emergency Medical Services Trust Fund under
 131 this sub-subparagraph shall be distributed as provided in s.
 132 395.4036(1). Proceeds of the infractions in the Brain and Spinal
 133 Cord Injury Trust Fund shall be distributed quarterly to the
 134 Miami Project to Cure Paralysis and shall be used for brain and
 135 spinal cord research.

136 b. One hundred fifty-eight dollars for a violation of s.
 137 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 138 stop at a traffic signal if enforcement is by a county or
 139 municipal traffic infraction enforcement officer. Seventy
 140 dollars shall be remitted by the county or municipality to the

141 Department of Revenue for deposit into the General Revenue Fund,
 142 \$10 shall be remitted to the Department of Revenue for deposit
 143 into the Department of Health Emergency Medical Services Trust
 144 Fund, \$3 shall be remitted to the Department of Revenue for
 145 deposit into the Brain and Spinal Cord Injury Trust Fund, and
 146 \$75 shall be retained by the county or municipality enforcing
 147 the ordinance enacted pursuant to this section. Funds deposited
 148 into the Department of Health Emergency Medical Services Trust
 149 Fund under this sub-subparagraph shall be distributed as
 150 provided in s. 395.4036(1). Proceeds of the infractions in the
 151 Brain and Spinal Cord Injury Trust Fund shall be distributed
 152 quarterly to the Miami Project to Cure Paralysis and shall be
 153 used for brain and spinal cord research.

154 4. An individual may not receive a commission from any
 155 revenue collected from violations detected through the use of a
 156 traffic infraction detector. A manufacturer or vendor may not
 157 receive a fee or remuneration based upon the number of
 158 violations detected through the use of a traffic infraction
 159 detector.

160 (c)1.a. A traffic citation issued under this section shall
 161 be issued by mailing the traffic citation by certified mail to
 162 the address of the registered owner of the motor vehicle
 163 involved in the violation when payment has not been made within
 164 30 days after the date of delivery or attempted delivery of the
 165 notification under paragraph (b), the registered owner has not
 166 requested a hearing as permitted by paragraph (b), and the
 167 registered owner has not submitted an affidavit under this
 168 section ~~subparagraph (b)1.~~

169 b. Delivery or attempted delivery of the traffic citation
 170 constitutes notification under this paragraph. If the registered
 171 owner or the person designated as having care, custody, or
 172 control of the motor vehicle at the time of the violation, or a
 173 duly authorized representative of the owner or designated
 174 person, initiates a proceeding to challenge the delivery or
 175 attempted delivery of the citation pursuant to this section,
 176 such person waives any challenge or dispute as to delivery.

177 c. In the case of joint ownership of a motor vehicle, the
 178 traffic citation shall be mailed to the first name appearing on
 179 the registration, unless the first name appearing on the
 180 registration is a business organization, in which case the
 181 second name appearing on the registration may be used.

182 ~~d. The traffic citation shall be mailed to the registered~~
 183 ~~owner of the motor vehicle involved in the violation no later~~
 184 ~~than 60 days after the date of the violation.~~

185 2. Included with the notification to the registered owner
 186 of the motor vehicle involved in the infraction shall be a
 187 notice that the owner has the right to review, either in person
 188 or remotely, the photographic or electronic images or the
 189 streaming video evidence that constitutes a rebuttable
 190 presumption against the owner of the vehicle. The notice must
 191 state the time and place or Internet location where the evidence
 192 may be examined and observed.

193 (d)1. The owner of the motor vehicle involved in the
 194 violation is responsible and liable for paying the uniform
 195 traffic citation issued for a violation of s. 316.074(1) or s.
 196 316.075(1)(c)1. when the driver failed to stop at a traffic

197 signal, unless the owner can establish that:

198 a. The motor vehicle passed through the intersection in
 199 order to yield right-of-way to an emergency vehicle or as part
 200 of a funeral procession;

201 b. The motor vehicle passed through the intersection at
 202 the direction of a law enforcement officer;

203 c. The motor vehicle was, at the time of the violation, in
 204 the care, custody, or control of another person;

205 d. A uniform traffic citation was issued by a law
 206 enforcement officer to the driver of the motor vehicle for the
 207 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

208 e. The motor vehicle's owner was deceased on or before the
 209 date that the uniform traffic citation was issued, as
 210 established by an affidavit submitted by the representative of
 211 the motor vehicle owner's estate or other designated person or
 212 family member.

213 2. In order to establish such facts, the owner of the
 214 motor vehicle shall, within 30 days after the date of issuance
 215 of the traffic citation, furnish to the appropriate governmental
 216 entity an affidavit setting forth detailed information
 217 supporting an exemption as provided in this paragraph.

218 a. An affidavit supporting an exemption under sub-
 219 subparagraph 1.c. must include the name, address, date of birth,
 220 and, if known, the driver license number of the person who
 221 leased, rented, or otherwise had care, custody, or control of
 222 the motor vehicle at the time of the alleged violation. If the
 223 vehicle was stolen at the time of the alleged offense, the
 224 affidavit must include the police report indicating that the

225 vehicle was stolen.

226 b. If a traffic citation for a violation of s. 316.074(1)
 227 or s. 316.075(1)(c)1. was issued at the location of the
 228 violation by a law enforcement officer, the affidavit must
 229 include the serial number of the uniform traffic citation.

230 c. If the motor vehicle's owner to whom a traffic citation
 231 has been issued is deceased, the affidavit must include a
 232 certified copy of the owner's death certificate showing that the
 233 date of death occurred on or before the issuance of the uniform
 234 traffic citation and one of the following:

235 (I) A bill of sale or other document showing that the
 236 deceased owner's motor vehicle was sold or transferred after his
 237 or her death, but on or before the date of the alleged
 238 violation.

239 (II) Documentary proof that the registered license plate
 240 belonging to the deceased owner's vehicle was returned to the
 241 department or any branch office or authorized agent of the
 242 department, but on or before the date of the alleged violation.

243 (III) A copy of a police report showing that the deceased
 244 owner's registered license plate or motor vehicle was stolen
 245 after the owner's death, but on or before the date of the
 246 alleged violation.

247

248 Upon receipt of the affidavit and documentation required under
 249 this sub-subparagraph, the governmental entity must dismiss the
 250 citation and provide proof of such dismissal to the person that
 251 submitted the affidavit.

252 3. Upon receipt of an affidavit, the person designated as

253 having care, custody, and control of the motor vehicle at the
 254 time of the violation may be issued a notice of violation
 255 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
 256 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
 257 at a traffic signal. The affidavit is admissible in a proceeding
 258 pursuant to this section for the purpose of providing proof that
 259 the person identified in the affidavit was in actual care,
 260 custody, or control of the motor vehicle. The owner of a leased
 261 vehicle for which a traffic citation is issued for a violation
 262 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
 263 stop at a traffic signal is not responsible for paying the
 264 traffic citation and is not required to submit an affidavit as
 265 specified in this subsection if the motor vehicle involved in
 266 the violation is registered in the name of the lessee of such
 267 motor vehicle.

268 4. Paragraphs (b) and (c) apply to the person identified
 269 on the affidavit, except that the notification under sub-
 270 subparagraph (b)1.a. must be sent to the person identified on
 271 the affidavit within 30 days after receipt of an affidavit.

272 5.4. The submission of a false affidavit is a misdemeanor
 273 of the second degree, punishable as provided in s. 775.082 or s.
 274 775.083.

275 (e) The photographic or electronic images or streaming
 276 video attached to or referenced in the traffic citation is
 277 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
 278 when the driver failed to stop at a traffic signal has occurred
 279 and is admissible in any proceeding to enforce this section and
 280 raises a rebuttable presumption that the motor vehicle named in

281 the report or shown in the photographic or electronic images or
 282 streaming video evidence was used in violation of s. 316.074(1)
 283 or s. 316.075(1)(c)1. when the driver failed to stop at a
 284 traffic signal.

285 (f) Notwithstanding any other provision of law, the burden
 286 of proving guilt shall rest upon the governmental entity
 287 bringing the charge under this section. A person appearing in
 288 any hearing under this section may not be compelled to be a
 289 witness against himself or herself.

290 (g) Notwithstanding any other provision of law, in any
 291 hearing involving a traffic infraction detector or similar
 292 unattended device used to enforce the traffic laws of this
 293 state, each person so charged has the right to confront the
 294 witnesses against him or her. Any evidence obtained from such
 295 device must be authenticated in court by the person receiving or
 296 processing the evidence, any person having reviewed such
 297 evidence in order to make a decision to issue a notice of
 298 violation, and any person who issued the notice of violation or
 299 traffic citation. An affidavit is not sufficient to authenticate
 300 such evidence, and such evidence must be accounted for in
 301 writing from the time of the alleged violation until the
 302 issuance of any notice of violation or traffic citation.
 303 Compensation of any witness for the prosecution shall be as
 304 required in s. 92.143.

305 (2) Neither a notice of violation nor and a traffic
 306 citation may ~~not~~ be issued under this section for a right on red
 307 violation for failure to stop at a red light if the driver is
 308 making a right hand turn in a careful and prudent manner at an

309 ~~intersection where right-hand turns are permissible.~~

310 Section 2. Section 316.075, Florida Statutes, is amended
311 to read:

312 316.075 Traffic control signal devices.—

313 (1) Except for automatic warning signal lights installed
314 or to be installed at railroad crossings, whenever traffic,
315 including municipal traffic, is controlled by traffic control
316 signals exhibiting different colored lights, or colored lighted
317 arrows, successively one at a time or in combination, only the
318 colors green, red, and yellow shall be used, except for special
319 pedestrian signals carrying a word legend, and the lights shall
320 indicate and apply to drivers of vehicles and pedestrians as
321 follows:

322 (a) Green indication.—

323 1. Vehicular traffic facing a circular green signal may
324 proceed cautiously straight through or turn right or left unless
325 a sign at such place prohibits either such turn. But vehicular
326 traffic, including vehicles turning right or left, shall yield
327 the right-of-way to other vehicles and to pedestrians lawfully
328 within the intersection or an adjacent crosswalk at the time
329 such signal is exhibited.

330 2. Vehicular traffic facing a green arrow signal, shown
331 alone or in combination with another indication, as directed by
332 the manual, may cautiously enter the intersection only to make
333 the movement indicated by such arrow, or such other movement as
334 is permitted by other indications shown at the same time, except
335 the driver of any vehicle may U-turn, so as to proceed in the
336 opposite direction unless such movement is prohibited by posted

337 traffic control signs. Such vehicular traffic shall yield the
 338 right-of-way to pedestrians lawfully within an adjacent
 339 crosswalk and to other traffic lawfully using the intersection.

340 3. Unless otherwise directed by a pedestrian control
 341 signal as provided in s. 316.0755, pedestrians facing any green
 342 signal, except when the sole green signal is a turn arrow, may
 343 proceed across the roadway within any marked or unmarked
 344 crosswalk.

345 (b) Steady yellow indication.-

346 1. Vehicular traffic facing a steady yellow signal is
 347 thereby warned that the related green movement is being
 348 terminated or that a red indication will be exhibited
 349 immediately thereafter when vehicular traffic shall not enter
 350 the intersection.

351 2. Pedestrians facing a steady yellow signal, unless
 352 otherwise directed by a pedestrian control signal as provided in
 353 s. 316.0755, are thereby advised that there is insufficient time
 354 to cross the roadway before a red indication is shown and no
 355 pedestrian shall start to cross the roadway.

356 (c) Steady red indication.-

357 1. Vehicular traffic facing a steady red signal shall stop
 358 before entering the crosswalk on the near side of the
 359 intersection or, if none, then before entering the intersection
 360 and shall remain standing until a green indication is shown;
 361 however:

362 a. The driver of a vehicle which is stopped at a clearly
 363 marked stop line, but if none, before entering the crosswalk on
 364 the near side of the intersection, or, if none then at the point

365 nearest the intersecting roadway where the driver has a view of
 366 approaching traffic on the intersecting roadway before entering
 367 the intersection in obedience to a steady red signal may make a
 368 right turn, but shall yield the right-of-way to pedestrians and
 369 other traffic proceeding as directed by the signal at the
 370 intersection, except that municipal and county authorities may
 371 prohibit any such right turn against a steady red signal at any
 372 intersection, which prohibition shall be effective when a sign
 373 giving notice thereof is erected in a location visible to
 374 traffic approaching the intersection.

375 b. The driver of a vehicle on a one-way street that
 376 intersects another one-way street on which traffic moves to the
 377 left shall stop in obedience to a steady red signal, but may
 378 then make a left turn into the one-way street, but shall yield
 379 the right-of-way to pedestrians and other traffic proceeding as
 380 directed by the signal at the intersection, except that
 381 municipal and county authorities may prohibit any such left turn
 382 as described, which prohibition shall be effective when a sign
 383 giving notice thereof is attached to the traffic control signal
 384 device at the intersection.

385 2.a. The driver of a vehicle facing a steady red signal
 386 shall stop before entering the crosswalk and remain stopped to
 387 allow a pedestrian, with a permitted signal, to cross a roadway
 388 when the pedestrian is in the crosswalk or steps into the
 389 crosswalk and is upon the half of the roadway upon which the
 390 vehicle is traveling or when the pedestrian is approaching so
 391 closely from the opposite half of the roadway as to be in
 392 danger.

393 b. Unless otherwise directed by a pedestrian control
 394 signal as provided in s. 316.0755, pedestrians facing a steady
 395 red signal shall not enter the roadway.

396 (2) In the event an official traffic control signal is
 397 erected and maintained at a place other than an intersection,
 398 the provisions of this section shall be applicable except as to
 399 those provisions which by their nature can have no application.
 400 Any stop required shall be made at a sign or marking on the
 401 pavement indicating where the stop shall be made, but in the
 402 absence of any such sign or marking the stop shall be made at
 403 the signal.

404 (3) (a) A ~~No~~ traffic control signal device may not shall be
 405 used unless it exhibits ~~which does not exhibit~~ a yellow or
 406 "caution" light between the green or "go" signal and the red or
 407 "stop" signal. Whenever an engineering analysis is undertaken
 408 for the purpose of evaluating or reevaluating yellow and red
 409 signal display durations of a new or existing traffic control
 410 signal, the department and local authorities shall adhere to the
 411 following:

412 1. The minimum yellow signal display duration on traffic
 413 control signals shall be based on the posted speed limit plus 10
 414 percent along with the standards set forth in the Florida
 415 Department of Transportation's Traffic Engineering Manual. The
 416 minimum yellow signal display duration shall be 3 seconds for
 417 traffic control signals on streets with a posted speed limit of
 418 25 miles per hour or less. The minimum yellow signal display
 419 duration found after the evaluation or reevaluation under this

420 paragraph shall be raised to the nearest half second, not to
 421 exceed 6 seconds.

422 2. Intersections with a posted speed limit greater than 55
 423 miles per hour shall have, on approach, a sign posted in
 424 accordance with the Florida Department of Transportation's
 425 Traffic Engineering Manual to alert drivers to the traffic
 426 control signal.

427 (b) A ~~No~~ traffic control signal device may not ~~shall~~
 428 display other than the color red at the top of the vertical
 429 signal, nor may ~~shall~~ it display other than the color red at the
 430 extreme left of the horizontal signal.

431 (c) To provide additional time before conflicting traffic
 432 movements proceed, the yellow signal display shall be followed
 433 by an all red clearance interval delaying the change of opposing
 434 red light signals. The duration of the clearance interval shall
 435 be determined by engineering practices as provided for in the
 436 Florida Department of Transportation's Traffic Engineering
 437 Manual required under s. 316.0745. The duration of a red
 438 clearance interval may be extended from its predetermined value
 439 for a given cycle based upon the detection of a vehicle that is
 440 predicted to violate the red signal indication.

441 (4)(a) A violation of subsection (1) or subsection (2)
 442 ~~this section~~ is a noncriminal traffic infraction, punishable
 443 pursuant to chapter 318 as either a pedestrian violation or, if
 444 the infraction resulted from the operation of a vehicle, as a
 445 moving violation. However, a citation for a violation of
 446 subparagraph (1)(c)1. committed at an intersection where the
 447 traffic signal device does not meet all requirements under

448 subsection (3) is unenforceable, and the court, clerk of the
 449 court, designated official, or authorized operator of a traffic
 450 violations bureau shall dismiss the citation without penalty or
 451 assessment of points against the license of the person cited.

452 (b) Intersections with traffic infraction detectors must
 453 meet the requirements of this section by December 31, 2013.

454 (c) All intersections with traffic infraction detectors
 455 installed after December 31, 2013, must meet the requirements of
 456 this section upon installation of the traffic infraction
 457 detector.

458 (d) All other intersections must meet the requirements of
 459 this section by December 31, 2014.

460 (e) A local governmental entity that violates this
 461 paragraph shall be fined \$500 per violation, which shall be
 462 remitted to the Department of Revenue for deposit into the Brain
 463 and Spinal Cord Injury Trust Fund.

464 (f) In addition to the fine listed in paragraph (f), all
 465 citations issued at a nonconforming intersection over the
 466 preceding 60 days shall be dismissed and all fine amounts paid
 467 shall be refunded. For purposes of this paragraph, the 60-day
 468 period shall begin on, and include, the date the traffic
 469 infraction detector was found to be in violation of this
 470 section.

471 Section 3. This act shall take effect July 1, 2013.

472



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Artiles offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 171-470 and insert:

6 owner or coowner of the motor vehicle, or the person designated
7 as having care, custody, or control of the motor vehicle at the
8 time of the violation, or a duly authorized representative of
9 the owner, coowner, or designated person, initiates a proceeding
10 to challenge the delivery or attempted delivery of the citation
11 pursuant to this section, such person waives any challenge or
12 dispute as to delivery.

13 c. In the case of joint ownership of a motor vehicle, the
14 traffic citation shall be mailed to the first name appearing on
15 the registration, unless the first name appearing on the
16 registration is a business organization, in which case the
17 second name appearing on the registration may be used.

18 ~~d. The traffic citation shall be mailed to the registered~~
19 ~~owner of the motor vehicle involved in the violation no later~~
20 ~~than 60 days after the date of the violation.~~



Amendment No.

21 2. Included with the notification to the registered owner
22 of the motor vehicle involved in the infraction shall be a
23 notice that the owner has the right to review, either in person
24 or remotely, the photographic or electronic images or the
25 streaming video evidence that constitutes a rebuttable
26 presumption against the owner of the vehicle. The notice must
27 state the time and place or Internet location where the evidence
28 may be examined and observed.

29 (d)1. The owner of the motor vehicle involved in the
30 violation is responsible and liable for paying the uniform
31 traffic citation issued for a violation of s. 316.074(1) or s.
32 316.075(1)(c)1. when the driver failed to stop at a traffic
33 signal, unless the owner can establish that:

34 a. The motor vehicle passed through the intersection in
35 order to yield right-of-way to an emergency vehicle or as part
36 of a funeral procession;

37 b. The motor vehicle passed through the intersection at
38 the direction of a law enforcement officer;

39 c. The motor vehicle was, at the time of the violation, in
40 the care, custody, or control of another person;

41 d. A uniform traffic citation was issued by a law
42 enforcement officer to the driver of the motor vehicle for the
43 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

44 e. The motor vehicle's owner was deceased on or before the
45 date that the uniform traffic citation was issued, as
46 established by an affidavit submitted by the representative of
47 the motor vehicle owner's estate or other designated person or
48 family member.



Amendment No.

49 2. In order to establish such facts, the owner of the
50 motor vehicle shall, within 30 days after the date of issuance
51 of the traffic citation, furnish to the appropriate governmental
52 entity an affidavit setting forth detailed information
53 supporting an exemption as provided in this paragraph.

54 a. An affidavit supporting an exemption under sub-
55 subparagraph 1.c. must include the name, address, date of birth,
56 and, if known, the driver license number of the person who
57 leased, rented, or otherwise had care, custody, or control of
58 the motor vehicle at the time of the alleged violation. If the
59 vehicle was stolen at the time of the alleged offense, the
60 affidavit must include the police report indicating that the
61 vehicle was stolen.

62 b. If a traffic citation for a violation of s. 316.074(1)
63 or s. 316.075(1)(c)1. was issued at the location of the
64 violation by a law enforcement officer, the affidavit must
65 include the serial number of the uniform traffic citation.

66 c. If the motor vehicle's owner to whom a traffic citation
67 has been issued is deceased, the affidavit must include a
68 certified copy of the owner's death certificate showing that the
69 date of death occurred on or before the issuance of the uniform
70 traffic citation and one of the following:

71 (I) A bill of sale or other document showing that the
72 deceased owner's motor vehicle was sold or transferred after his
73 or her death, but on or before the date of the alleged
74 violation.

75 (II) Documentary proof that the registered license plate
76 belonging to the deceased owner's vehicle was returned to the



Amendment No.

77 department or any branch office or authorized agent of the
78 department, but on or before the date of the alleged violation.

79 (III) A copy of a police report showing that the deceased
80 owner's registered license plate or motor vehicle was stolen
81 after the owner's death, but on or before the date of the
82 alleged violation.

83
84 Upon receipt of the affidavit and documentation required under
85 this sub-subparagraph, the governmental entity must dismiss the
86 citation and provide proof of such dismissal to the person that
87 submitted the affidavit.

88 3. Upon receipt of an affidavit, the person designated as
89 having care, custody, or ~~and~~ control of the motor vehicle at the
90 time of the violation may be issued a notice of violation
91 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
92 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
93 at a traffic signal. The affidavit is admissible in a proceeding
94 pursuant to this section for the purpose of providing proof that
95 the person identified in the affidavit was in actual care,
96 custody, or control of the motor vehicle. The owner of a leased
97 vehicle for which a traffic citation is issued for a violation
98 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
99 stop at a traffic signal is not responsible for paying the
100 traffic citation and is not required to submit an affidavit as
101 specified in this subsection if the motor vehicle involved in
102 the violation is registered in the name of the lessee of such
103 motor vehicle.



Amendment No.

104 4. Paragraphs (b) and (c) apply to the person identified
105 on the affidavit, except that the notification under sub-
106 subparagraph (b)1.a. must be sent to the person identified on
107 the affidavit within 30 days after receipt of an affidavit.

108 5.4. The submission of a false affidavit is a misdemeanor
109 of the second degree, punishable as provided in s. 775.082 or s.
110 775.083.

111 (e) The photographic or electronic images or streaming
112 video attached to or referenced in the traffic citation is
113 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
114 when the driver failed to stop at a traffic signal has occurred
115 and is admissible in any proceeding to enforce this section and
116 raises a rebuttable presumption that the motor vehicle named in
117 the report or shown in the photographic or electronic images or
118 streaming video evidence was used in violation of s. 316.074(1)
119 or s. 316.075(1)(c)1. when the driver failed to stop at a
120 traffic signal.

121 (f) Notwithstanding any other provision of law, the burden
122 of proving guilt shall rest upon the governmental entity
123 bringing the charge under this section. A person appearing in
124 any hearing under this section may not be compelled to be a
125 witness against himself or herself.

126 (g) Notwithstanding any other provision of law, in any
127 hearing involving a traffic infraction detector used to enforce
128 the traffic laws of this state, each person so charged has the
129 right to confront the witnesses against him or her. Any evidence
130 obtained from a traffic infraction detector must be
131 authenticated in court by the person receiving or processing the



Amendment No.

132 evidence, any person having reviewed such evidence in order to
133 make a decision to issue a notice of violation, and any person
134 who issued the notice of violation or traffic citation. An
135 affidavit is not sufficient to authenticate such evidence, and
136 such evidence must be accounted for in writing from the time of
137 the alleged violation until the issuance of any notice of
138 violation or traffic citation. Compensation of any witness for
139 the prosecution shall be as required in s. 92.143.

140 (2) Neither a notice of violation nor and a traffic
141 citation may not be issued under this section for a right on red
142 violation for failure to stop at a red light if the driver is
143 making a right-hand turn in a careful and prudent manner at an
144 intersection where right-hand turns are permissible.

145 Section 2. Section 316.075, Florida Statutes, is amended
146 to read:

147 316.075 Traffic control signal devices.-

148 (1) Except for automatic warning signal lights installed
149 or to be installed at railroad crossings, whenever traffic,
150 including municipal traffic, is controlled by traffic control
151 signals exhibiting different colored lights, or colored lighted
152 arrows, successively one at a time or in combination, only the
153 colors green, red, and yellow shall be used, except for special
154 pedestrian signals carrying a word legend, and the lights shall
155 indicate and apply to drivers of vehicles and pedestrians as
156 follows:

157 (a) Green indication.-

158 1. Vehicular traffic facing a circular green signal may
159 proceed cautiously straight through or turn right or left unless



Amendment No.

160 a sign at such place prohibits either such turn. But vehicular
161 traffic, including vehicles turning right or left, shall yield
162 the right-of-way to other vehicles and to pedestrians lawfully
163 within the intersection or an adjacent crosswalk at the time
164 such signal is exhibited.

165 2. Vehicular traffic facing a green arrow signal, shown
166 alone or in combination with another indication, as directed by
167 the manual, may cautiously enter the intersection only to make
168 the movement indicated by such arrow, or such other movement as
169 is permitted by other indications shown at the same time, except
170 the driver of any vehicle may U-turn, so as to proceed in the
171 opposite direction unless such movement is prohibited by posted
172 traffic control signs. Such vehicular traffic shall yield the
173 right-of-way to pedestrians lawfully within an adjacent
174 crosswalk and to other traffic lawfully using the intersection.

175 3. Unless otherwise directed by a pedestrian control
176 signal as provided in s. 316.0755, pedestrians facing any green
177 signal, except when the sole green signal is a turn arrow, may
178 proceed across the roadway within any marked or unmarked
179 crosswalk.

180 (b) Steady yellow indication.-

181 1. Vehicular traffic facing a steady yellow signal is
182 thereby warned that the related green movement is being
183 terminated or that a red indication will be exhibited
184 immediately thereafter when vehicular traffic shall not enter
185 the intersection.

186 2. Pedestrians facing a steady yellow signal, unless
187 otherwise directed by a pedestrian control signal as provided in



Amendment No.

188 s. 316.0755, are thereby advised that there is insufficient time
189 to cross the roadway before a red indication is shown and no
190 pedestrian shall start to cross the roadway.

191 (c) Steady red indication.—

192 1. Vehicular traffic facing a steady red signal shall stop
193 before entering the crosswalk on the near side of the
194 intersection or, if none, then before entering the intersection
195 and shall remain standing until a green indication is shown;
196 however:

197 a. The driver of a vehicle which is stopped at a clearly
198 marked stop line, but if none, before entering the crosswalk on
199 the near side of the intersection, or, if none then at the point
200 nearest the intersecting roadway where the driver has a view of
201 approaching traffic on the intersecting roadway before entering
202 the intersection in obedience to a steady red signal may make a
203 right turn, but shall yield the right-of-way to pedestrians and
204 other traffic proceeding as directed by the signal at the
205 intersection, except that municipal and county authorities may
206 prohibit any such right turn against a steady red signal at any
207 intersection, which prohibition shall be effective when a sign
208 giving notice thereof is erected in a location visible to
209 traffic approaching the intersection.

210 b. The driver of a vehicle on a one-way street that
211 intersects another one-way street on which traffic moves to the
212 left shall stop in obedience to a steady red signal, but may
213 then make a left turn into the one-way street, but shall yield
214 the right-of-way to pedestrians and other traffic proceeding as
215 directed by the signal at the intersection, except that



Amendment No.

216 municipal and county authorities may prohibit any such left turn
217 as described, which prohibition shall be effective when a sign
218 giving notice thereof is attached to the traffic control signal
219 device at the intersection.

220 2.a. The driver of a vehicle facing a steady red signal
221 shall stop before entering the crosswalk and remain stopped to
222 allow a pedestrian, with a permitted signal, to cross a roadway
223 when the pedestrian is in the crosswalk or steps into the
224 crosswalk and is upon the half of the roadway upon which the
225 vehicle is traveling or when the pedestrian is approaching so
226 closely from the opposite half of the roadway as to be in
227 danger.

228 b. Unless otherwise directed by a pedestrian control
229 signal as provided in s. 316.0755, pedestrians facing a steady
230 red signal shall not enter the roadway.

231 (2) In the event an official traffic control signal is
232 erected and maintained at a place other than an intersection,
233 the provisions of this section shall be applicable except as to
234 those provisions which by their nature can have no application.
235 Any stop required shall be made at a sign or marking on the
236 pavement indicating where the stop shall be made, but in the
237 absence of any such sign or marking the stop shall be made at
238 the signal.

239 (3) (a) A ~~No~~ traffic control signal device ~~may not~~ shall be
240 used unless it exhibits which does not exhibit a yellow or
241 "caution" light between the green or "go" signal and the red or
242 "stop" signal. Whenever an engineering analysis is undertaken
243 for the purpose of evaluating or reevaluating yellow and red



Amendment No.

244 signal display durations of a new or existing traffic control
245 signal, the department and local authorities shall adhere to the
246 following:

247 1. The minimum yellow signal display duration on traffic
248 control signals shall be based on the posted speed limit plus 10
249 percent along with the standards set forth in the Florida
250 Department of Transportation's Traffic Engineering Manual. The
251 minimum yellow signal display duration shall be 3 seconds for
252 traffic control signals on streets with a posted speed limit of
253 25 miles per hour or less. The minimum yellow signal display
254 duration found after the evaluation or reevaluation under this
255 paragraph shall be raised to the nearest half second, not to
256 exceed 6 seconds.

257 2. Intersections with a posted speed limit greater than 55
258 miles per hour shall have, on approach, a sign posted in
259 accordance with the Florida Department of Transportation's
260 Traffic Engineering Manual to alert drivers to the traffic
261 control signal.

262 (b) A ~~No~~ traffic control signal device may not shall
263 display other than the color red at the top of the vertical
264 signal, nor may shall it display other than the color red at the
265 extreme left of the horizontal signal.

266 (c) To provide additional time before conflicting traffic
267 movements proceed, the yellow signal display shall be followed
268 by an all red clearance interval delaying the change of opposing
269 red light signals. The duration of the clearance interval shall
270 be determined by engineering practices as provided for in the
271 Florida Department of Transportation's Traffic Engineering



Amendment No.

272 Manual required under s. 316.0745. The duration of a red
273 clearance interval may be extended from its predetermined value
274 for a given cycle based upon the detection of a vehicle that is
275 predicted to violate the red signal indication.

276 (4) (a) A violation of subsection (1) or subsection (2)
277 this section is a noncriminal traffic infraction, punishable
278 pursuant to chapter 318 as either a pedestrian violation or, if
279 the infraction resulted from the operation of a vehicle, as a
280 moving violation. However, a citation for a violation of
281 subparagraph (1)(c)1. committed at an intersection where the
282 traffic signal device does not meet all requirements under
283 subsection (3) is unenforceable, and the court, clerk of the
284 court, designated official, or authorized operator of a traffic
285 violations bureau shall dismiss the citation without penalty or
286 assessment of points against the license of the person cited.

287 (b) Intersections with traffic infraction detectors must
288 meet the requirements of this section by December 31, 2013.

289 (c) All intersections with traffic infraction detectors
290 installed after December 31, 2013, must meet the requirements of
291 this section upon installation of the traffic infraction
292 detector.

293 (d) All other intersections must meet the requirements of
294 this section by December 31, 2014.

295 (e) A local governmental entity that violates this
296 subsection shall be fined \$500 per violation, which shall be
297 remitted to the Department of Revenue for deposit into the Brain
298 and Spinal Cord Injury Trust Fund.



Amendment No.

299 (f) In addition to the fine listed in paragraph (e), all
300 citations issued at a nonconforming intersection over the
301 preceding 60 days shall be dismissed and all fine amounts paid
302 shall be refunded by the local governmental entity found to be
303 in violation of this section.

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T I T L E A M E N D M E N T

Remove lines 23-28 and insert:

hearing involving a traffic infraction detector, each person so
charged has the right to confront the witnesses against him or
her; providing procedures for presentation and authentication of
evidence relating to a traffic infraction detector;